

Decision 16-06-028 June 9, 2016

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider Alternative-Fueled Vehicle Programs, Tariffs, and Policies.

Rulemaking 13-11-007
(Filed November 14, 2013)

Application of San Diego Gas & Electric Company (U902E) for Approval of its Electric Vehicle-Grid Integration Pilot Program.

Application 14-04-014
(Filed April 11, 2014)

(NOT CONSOLIDATED)

DECISION GRANTING INTERVENOR COMPENSATION TO UTILITY CONSUMERS' ACTION NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION 16-01-045

Intervenor: Utility Consumers' Action Netowrk	For contribution to Decision (D.) 16-01-045
Claimed: \$205,202.04	Awarded: \$210,769.49
Assigned Commissioner: Carla J. Peterman	Assigned ALJ: John S. Wong

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	<p>Decision (D.) 16-01-045 approves a pilot program for SDG&E to install and own 3,500 electric vehicle chargers at 350 sites in SDG&E service territory. The decision denies both SDG&E's original application which sought 5,500 chargers at 550 sites and also denies a proposed settlement filed by SDG&E and 16 other parties which changed aspects of the pilot structure from the original application but left in place the same size and cost.</p> <p>In its decision, the Commission determined that they would approve a scaled back pilot for SDG&E, calling it the 2016 VGI Pilot Program. As noted by the Commission:</p> <p>"The 2016 VGI Pilot Program is essentially a scaled down version of SDG&E's VGI proposal, as modified by the Proposed Settlement, with the additional modifications made in today's decision. The 2016 VGI Pilot Program will have a budget of \$45 million during the initial roll-out</p>
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	instead of \$65 million, and will allow SDG&E to deploy and own approximately 350 EV site installations, corresponding to approximately 3,500 EV charging stations, during a sign-up period of approximately three years.” (D.16-01-045 at 3)
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	8-13-2014	Verified.
2. Other specified date for NOI:		
3. Date NOI filed:	9-12-2014	Verified.
4. Was the NOI timely filed?		Yes, Utility Consumers’ Action Network (UCAN) timely filed the notice of intent to claim intervenor compensation.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.14-11-003	Verified.
6. Date of ALJ ruling:	March 2, 2015	Verified.
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, UCAN demonstrated appropriate status as a customer.
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.14-11-003	Verified.
10. Date of ALJ ruling:	March 2, 2015	Verified.
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes, UCAN demonstrated a rebuttable presumption of significant financial hardship.

Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.16-01-045	Verified.
14. Date of issuance of Final Order or Decision:	February 4, 2016	Verified.
15. File date of compensation request:	April 4, 2016	Verified.
16. Was the request for compensation timely?		Yes, UCAN timely filed the request for intervenor compensation.

PART II: SUBSTANTIAL CONTRIBUTION (Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. UCAN argued that SDG&E's proposed pilot was much larger than a traditional pilot and that SDG&E's original proposal and the proposed settlement were too large and too expensive. The Commission agreed with UCAN that both SDG&E's original proposal and the proposed settlement should be rejected as too large and too costly	<p>In UCAN's testimony and settlement comments we pointed out that the excessive size and costs of the SDG&E proposal and the proposed settlement and we urged that both be rejected. The Commission agreed:</p> <ul style="list-style-type: none"> • The VGI pilot sample size of 5,500 charging stations is too large, • The cost of the VGI proposal is too high, with \$59 million in rate base and almost \$103 million in total costs, yet SDG&E refers to this program as a pilot when the VGI program is much larger than a traditional pilot <p>(UCAN's opening testimony at page 6-8; see also D.16-01-045 at page 82 detailing UCAN's position)</p> <p>"this settlement is unreasonable and is neither consistent with law nor in the public interest." (UCAN's opening settlement comments at page 6.)</p> <p>Conclusions-of-Law</p> <p>9. It would not be a wise use of ratepayer monies to authorize a pilot project of the cost and size contemplated in SDG&E's original VGI proposal and in the Proposed Settlement.</p>	Verified.

	<p>10. The cost and size of the VGI pilot project should be reduced.</p> <p>11. The charges SDG&E's ratepayers would have to pay for SDG&E's original VGI proposal, or the VGI program in the Proposed Settlement, would be unjust and unreasonable under Public Utilities Code Section 451.</p> <p>25. SDG&E's request in A.14-04-014 to adopt its original VGI proposal should be denied.</p>	
<p>2. UCAN argued that the proposed settlement is unreasonable and should not be adopted:</p>	<p>26. The Proposed Settlement is unreasonable in light of the whole record, and is inconsistent with the law because the charges to SDG&E's ratepayers for the Proposed Settlement would be unjust and unreasonable under Public Utilities Code Section 451.</p> <p>As one of the few non-settling parties</p>	<p>Verified.</p>

<p>3. UCAN proposed that SDG&E's pilot and the proposed settlement be significantly reduced in cost and scale with SDG&E owning only a small number of chargers. While larger than what UCAN proposed, the Commission approved a pilot for SDG&E that is reduced in both scale and cost, with a startup budget reduced from \$65 million to \$45 million.</p>	<p>UCAN proposed a smaller sized pilot with reduced cost (UCAN's prepared direct testimony at page 8, UCAN's comments on the settlement at page 2).</p> <p>Findings-of-Fact</p> <p>36. The cost and size are the two largest disagreements that the non-settling parties have with SDG&E's original VGI proposal, and with the Proposed Settlement.</p> <p>37. For the cost of SDG&E's original VGI proposal, and the Proposed Settlement, SDG&E and the settling parties are requesting the same amount, almost \$103 million.</p> <p>58. We find merit in authorizing and adopting an alternative VGI program similar to the Proposed Settlement, but on a reduced scale</p> <p>67. The \$45 million budget limit is based on the total cost of 350 EV site installations and 3,500 EV charging stations over the first three years of the VGI program . . .</p> <p>69. The cost, size, and duration of the alternative VGI program terms is more reflective of a pilot program.</p>	<p>Verified.</p>
<p>4. UCAN advocated that a small number of chargers should be owned by SDG&E. The Commission agreed that there is value in utility ownership, but disagreed with UCAN's position to reduce the number of SDG&E owned chargers so substantially.</p>	<p>Findings-of-Fact</p> <p>61. There is value in SDG&E retaining 100% ownership of the EV charging stations for this pilot program to ensure that all of these ratepayer-funded charging stations are working and remain available for EV charging.</p> <p>62. Along with other EV pilot program results and available market data, the ownership of the EV charging stations by SDG&E may inform future Commission action on EV charging, infrastructure ownership, and related transportation electrification issues.</p> <p>"A major concern UCAN has with SDG&E's proposed EV VGI pilot is that it provides no opportunity for reflection and decision to refine or terminate the program. No off-ramps have been proposed during</p>	<p>Verified.</p>

<p>5. UCAN was concerned about the lack of off ramps or exit strategies to terminate or redesign the program in the event the preliminary results of the pilot prove to be unsuccessful. In the Commission's alternative settlement, they noted the Commission will be able to evaluate the results of the pilot in a shorter time frame given the reduced size and scale of the pilot that they were approving</p>	<p>the four installation years.” (UCAN's opening testimony at page 33)</p> <p>“We find that the cost, size, and duration, of this alternative VGI program term is more reflective of a pilot program because the sign-up period for potential site hosts is shorter, the overall budget has reduced the cost and size of how much EVSE infrastructure will be deployed, and the Commission will be able to evaluate the results of the pilot in a shorter period of time. The smaller pilot size is also appropriate given the uncertainties of the developing EV market, and how potential site hosts and EV drivers will respond.” (D.16-01-045 at page 128)</p> <p>Finding-of-Fact</p> <p>41. With the challenges of convincing consumers to switch from gasoline fueled vehicles to EVs, and the uncertainties about how the projected EV adoption rate was derived, we are not as certain about the EV adoption rate.</p> <p>UCAN argued that from a cost effectiveness standpoint, it is more cost effective for the ratepayer if the pilot does not go forward, and that SDG&E preformed a flawed cost effectiveness analysis when they evaluated their pilot by using the projected sales of all energy purchased for charging electric vehicles even for those chargers not owned by SDG&E. (UCAN's opening brief at page 10-12)</p>	<p>Verified.</p>
<p>6. UCAN argued that SDG&E's cost effective analysis was flawed, and that ratepayer benefits are uncertain. While the Commission did not squarely address UCAN's cost effectiveness argument other than to restate it, if SDG&E's cost effective analysis were accurate predictors of</p> <p>the costs and benefits of their proposal then ratepayers should see benefits, and ratepayer costs should decrease. By noting that ratepayer costs will increase as a result of this pilot, the Commission implicitly agreed with UCAN's position on SDG&E's cost effective analysis.</p>	<p>“If SDG&E accepts the alternative VGI program terms, we estimate that a typical residential ratepayer of SDG&E using 500 kilowatt hours per month in the inland and coastal zones would experience an increase of about 18 cents over the first year, or about a 0.02% increase. With the full rollout of 350 site installations and 3,500 charging stations at the end of the pilot period, the increase relative to current rates would be about \$2.75 on an annual basis.” (D.16-01-045 at page 4)</p> <p>“The size of the pilot and ratepayer funding</p>	<p>Verified.</p>

	of the entire cost of the infrastructure and EV charging equipment will make it extremely difficult for third parties to compete.” (UCAN’s opening brief at page 21)	
7. UCAN addressed serious anti-competitive concerns with the utility ownership aspects of both SDG&E’s original application and the proposed settlement. The Decision acknowledge the anti-competitive concerns should the pilot size and costs not be reduced	<p>“Based on the testimony presented, if SDG&E’s original VGI proposal or the Proposed Settlement is authorized by the Commission, SDG&E’s ownership of the EVSE could pose competitive problems for nonutility vendors of EVSE and related EV charging services during the initial deployment by SDG&E of the EV charging site installations and charging stations.” (D.16-01-045 at page 107)</p> <p>Findings-of-Fact</p> <p>55. If the cost and the size of the VGI program is reduced from what is being offered in the Proposed Settlement, that would strengthen the reasoning for finding that a scaled down VGI program will not result in SDG&E unfairly competing with nonutility enterprises because the number of EV site installations and charging stations owned by SDG&E would be reduced.</p> <p>“UCAN believes that the PAC as presently constituted needs to be restructured that allows Energy Division a much greater say in the process than as presently proposed.” (UCAN’s PD comments at page 9)</p>	Verified.
8. UCAN argued that the Proposed Decision be modified so that Energy Division would have authority to settle disagreements between the Program Advisory Council and SDG&E. The Commission agreed.	<p>“UCAN urges that if the Commission is going to approve the PD’s proposed 2016 VGI Pilot that the PAC be modified to a Working Group with Energy Division having decisional authority to resolve disputes in real time.” (UCAN’s opening PD comments at page 10)</p> <p>“In addition, we delegate to the Energy Division of the Commission the authorization to resolve disputes, and to modify and approve modifications to the 2016 VGI Pilot Program that are minor in nature and which are not specified in this decision to be submitted by an Advice</p>	Verified.

	<p>Letter. The Energy Division may informally communicate such modification or approval through its participation in the PAC.” (D.16-01-045 at page 146)</p> <p>Findings-of-Fact</p> <p>31. The Commission should delegate to the Commission’s Energy Division the authorization to resolve disputes, and to modify and approve modifications to the 2016 VGI Pilot Program that are minor in nature and which are not specified in this decision to be submitted by an Advice Letter.</p> <p>In the comments to the proposed decision of ORA, TURN, and UCAN, they recommended the use of a one-way balancing account instead of the two- way balancing account to ensure that costs associated with the 2016 VGI Pilot Program are limited. Since we are authorizing a pilot program that is limited in scope and cost, we are persuaded that a one-way interest-bearing VGIBA is more appropriate under the circumstances. (D.16-01-045 at page 158)</p>	
9. UCAN argued against SDG&E’s request for an interest bearing 2 way balancing account to record program costs and instead argued for a one-way balancing account. The Commission agreed.		Verified.

A. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor’s Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?	yes	Verified.
b. Were there other parties to the proceeding with positions similar to yours?	yes	Verified.
c. If so, provide name of other parties: mainly ORA and TURN but also MCE, JMP and CESA, and ChargePoint		Yes.
<p>d. Intervenor’s claim of non-duplication:</p> <p>Given the scope and length of this proceeding and the issues examined, UCAN’s position at various times overlapped with other intervenors. However, throughout the proceeding UCAN advocated positions that were either unique or were supportive of another party’s showing. In an attempt to avoid duplication of effort, UCAN was involved in multiple conversations and meetings with other parties to discuss issues, scope and testimony.</p> <p>UCAN was one of the few parties to actively oppose both SDG&E’s original application and the 17 party joint settlement as too big, too costly, too poorly designed to achieve pilot objectives, and not cost effective. ORA and TURN were</p>		Agreed, UCAN did not engage in duplicative efforts in this proceeding.

<p>the other main parties who took positions similar to UCAN's. To avoid duplication and to coordinate efforts UCAN, TURN and ORA held numerous joint conference calls and in-person meetings. This coordination helped all parties avoid duplication and to present unique positions and/or supplement each other's presentations.</p> <p>UCAN's presentation was unique in that we supported a pilot for SDG&E that included some utility ownership of the electric vehicle service equipment. TURN and ORA objected to any utility ownership and only supported "make ready" work, allowing SDG&E to provide subsidized infrastructure improvements to third party market participants. Unlike TURN and ORA, UCAN took the position that the utility could learn from a smaller pilot that involved both utility ownership of charging equipment as well as offering infrastructure upgrades to private third party market participants.</p> <p>UCAN presentation also differed from TURN and ORA in that we advocated for a focus on development of workplace charging to help in the management of grid charging during peak times. TURN advocated more of a focus on Multi-Unit dwellings. On issues of cost UCAN, TURN and ORA all concluded that a smaller pilot was more appropriate but we differed on how small the pilot should be and how the pilot should be structured. Each of our presentation in this area allowed the Commission to consider three similar but different proposals on a scaled back version of SDG&E's application. UCAN and TURN also examined the cost effectiveness of SDG&E's proposal, and while coming to similar conclusions, each presented the information in unique ways where their showings were complimentary to each other.</p> <p>Finally, regarding the Program Advisory Council, UCAN argued that Energy Division be given decisional authority should there be a dispute between PAC members and SDG&E.</p> <p>Ultimately the Commission agreed with several positions taken by UCAN including that both SDG&E's original application and the 17 party Joint settlement should be rejected and that a smaller pilot should be approved.</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§ 1801 and § 1806):

<p>a. Intervenor's claim of cost reasonableness:</p> <p>UCAN advocated that SDG&E's application was too costly and too large. UCAN was also one of the very few to oppose the 17 party settlement and we argued for a reduced cost and size of the pilot. Despite the fact that the vast majority of the active parties supported the size and cost of SDG&E's original proposal, the Commission did not approve the settlement or SDG&E's application; rather the Commission cut \$20 million from SDG&E's proposed pilot roll-out.</p> <p>UCAN's cost to participate in this proceeding, \$205,202.04 is negligible as compared to the initial \$20 million reduction in costs to the ratepayer, as well as the savings of several million dollars in long term O&M costs. Given that UCAN's participation helped lead to a \$20 million savings for the ratepayers, the costs of our participation is substantially outweighed by the benefits to the ratepayers. UCAN's request of \$205,202.04 for almost 2 years of active litigation is more than reasonable, and we ask that our request be approved.</p>	<p>CPUC Discussion</p> <p>Verified.</p>
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<p>Travel Expenses:</p> <p>UCAN is based in San Diego and UCAN's representative has appeared several times in person at the Commission in this proceeding. As can be seen from our travel receipts and time sheets, sometimes UCAN's representative, Mr. Kelly, flew into San Francisco and sometimes he flew into San Jose and rented a car. Mr. Kelly's parents live in Santa Clara, and on the many occasions Mr. Kelly is required to be at the Commission on consecutive days (and in an effort to save money for hotel costs), Mr. Kelly will stay with his parents in Santa Clara and rent a car and commute to the Commission. When appropriate, UCAN's travel time and our expenses are divided between cases if Mr. Kelly is attending hearings and or workshops for 2 proceedings. In this case UCAN will bill each proceeding 50% of the travel costs and travel time.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>In this proceeding UCAN utilized the services of 3 people:</p> <ol style="list-style-type: none"> 1. Donald Kelly, UCAN's Attorney and Executive Director, 2. David Croyle, a former SDG&E official with 30 years' utility industry experience, with extensive experience on program design and developing cost effective programs, and 3. Jane Krikorian, UCAN's ratepayer advocate. <p>The hours UCAN devoted to our presentation, (excluding time for travel and to prepare UCAN's intervenor compensation request) includes the following:</p> <p>2014 – 53.75 hours 2015 – 585.75 hours 2016 – 70.25 hours.</p> <p>UCAN devoted the above hours to this application because not only were we concerned about SDG&E's proposed length, size and cost of their proposed pilot, (a 22 year, \$102 million dollar "pilot") but also because SDG&E was seeking Commission approval for an IOU to own and operate Electric Vehicle Service Equipment (EVSE). Prior to the Commission's decision in D.14-12-079 utilities were barred from owning EVSE except to service electric vehicles of their own employees and their own fleet of electric vehicles. SDG&E's application asked the Commission to remove the bar, and through a decision in the companion rulemaking R.13-11-007, the Commission decided in D.14-12-079 that the bar to IOU ownership of EVSE removed. Thereafter, each application for IOU ownership of EVSE was to be examined on a case-by-case basis utilizing a balancing test.</p> <p>Soon after SDG&E brought this application, SCE and PG&E filed their own applications. Given the precedent setting nature of this application and the excessive costs and size of SDG&E's pilot proposal UCAN devoted the hours necessary to effectively participate.</p> <p>Through 2 years of active litigation UCAN provided opening and rebuttal testimony as well as participated in prehearing conferences, all party meetings, 6 days of evidentiary hearings, multiple ex parte meetings, coordination meetings</p>	<p>Verified, but <i>see</i> CPUC Disallowances and Adjustments, below.</p>

with other ratepayer advocates, meetings at SDG&E, and a settlement conference.

UCAN also joined or filed motions and responses to motions to consolidate the IOU applications and expand the scope of the proceedings. UCAN filed opening and reply briefs on SDG&E's application, opening and reply comments on the 17 party proposed settlement, opening and reply comments on the proposed decision and presented closing statements before the Commission.

UCAN's presentation was truly a collaborative effort between our attorney and our expert. Mr. Kelly relied on Mr. Croyle's extensive knowledge on developing sound programs, as well as his experience as an energy economist for more than 30 years. Included in the hours we request is time to compensate Mr. Croyle for work on comments and briefing issues. Often UCAN relied on Mr. Croyle's insight and expertise to help craft arguments for both comments and briefs.

Intervenor compensation time:

UCAN is seeking a total of 19.5 hours for the preparation of our compensation claim. Given that this claim includes not only time entries for almost 2 years, but also numerous travel receipts that need to be accounted for, 19.5 hours is reasonable and we ask that this time be approved.

c. Allocation of hours by issue:

All of UCAN's time spent was devoted to examining the issue of the SDG&E pilot's proposed design. While there are various sub-issues under that category such as utility ownership of EVSE, the number of chargers, charger placement issues (workplace vs. multi-unit dwellings) and cost effectiveness, UCAN had difficulty separating out the time for these sub-issues as they are all interrelated to our main focus of SDG&E's proposed pilot design. For example, in many UCAN's data requests we focused our questions on how SDG&E designed their pilot, and the assumptions on which SDG&E claimed it would lead to the results expected i.e., the number of new EV adoptions, the costs to the ratepayers, the ability to test grid management. UCAN found it exceedingly difficult to accurately parse the amount of time spent for these interrelated issues.

While UCAN focused on the pilot design issue we did attempt to provide a breakout of the tasks identified above in our timesheet, as shown below:

UCAN Cumulative Totals			
Total Hours	% of Hours per Issue	Issue	
100.25	14.09%	1. General Prep (GP)	
66.00	9.28%	2. Hearings, Workshops, and	
		Conferences (HWC)	
278.50	39.16%	3. Filings (F)	
52.00	7.31%	4. Discovery (D)	
108.25	15.22%	5. Testimony (T)	
63.75	8.96%	6. Evidentiary Hearings (EH)	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Donald Kelly	2014	27	\$335	D.15-12-040	\$9,045	27.00	335.00	9,045.00
	2015	243.25	\$335	D.15-12-040 + COLA	\$81,488.75	243.25	335.00	81,488.75
	2016	41.75	\$350	See Comment 2	\$14,612.5	41.75	355.00 [1]	14,821.25
David Croyle	2014	25.25	\$235	D.15-12-040	\$5,933.75	25.25	235.00	5,933.75
	2015	326.5	\$235	D.15-12-040 + COLA	\$76,727.5	326.50	235.00	76,727.50
	2016	28.5	\$250	See Comment 3	\$7,125	28.50	250.00 [2]	7,125.00
Jane Krikorian	2014	1.5	\$150	See Comment 4	\$225	1.50	150.00	225.00
Jane Krikorian	2015	16	\$150	See Comment 4	\$2,400	16.00	150.00	2,400.00
Subtotal: \$ 191,623.75						Subtotal: \$197,776.25 The Commission notes that UCAN's claimed subtotal, at left, is inaccurate.		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Donald Kelly travel	2014	5	\$167.5	D.15-12-040	837.50	5.00	167.50	837.50
Donald Kelly travel	2015	31.5	\$167.5	D.15-12-040	5,276.25	31.50	167.50	5,276.25
Donald Kelly travel	2016	3.5	\$175	See Comment 2	525	3.50	177.50	621.25
Jane Krikorian travel	2015	10	\$70	See Comment 4	700	10.00	75.00	750.00
Subtotal: \$7,338.75						Subtotal: \$7,485.00 The Commission notes that UCAN's calculated totals, at left, are inaccurate.		

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Donald Kelly	2016	17	\$175	See Comment 1	2,975	13.00 [3]	177.50	2,307.50
David Croyle	2014	2.5	\$117.5	D.15.12-040	235	2.5	117.50	293.75
Subtotal: \$3,210						Subtotal: \$2,601.25 The Commission notes that UCAN's claimed subtotal, at left, is inaccurate.		
COSTS								
#	Item	Detail			Amount	Amount		
	Travel for Donald Kelly	Copying charges; Travel costs to the Commission for two Prehearing Conferences, 6 days of Evidentiary Hearings, All Party Meeting and Oral Arguments.			\$2754.14	\$2,631.59 [4]		
	Travel for Jane Krikorian	Travel costs to Prehearing Conference			\$275.40	\$275.40		
TOTAL REQUEST: \$205,202.04						TOTAL AWARD: \$210,769.49		
**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award. **Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.								
ATTORNEY INFORMATION								
Attorney		Date Admitted to CA BAR ¹			Member Number		Actions Affecting Eligibility (Yes/No?)	
Donald Kelly		12-3-90			151095		No	

C. Intervenor's Comments on Part III:

Comment #	UCAN's Comment(s)
2	Donald Kelly is seeking a 5% step increase for his hourly rate from \$335 an hour for 2015 to \$350 an hour for 2016. In resolution ALJ 308, at finding #3 it is noted:

¹ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

	<p>“3. It is reasonable to allow individuals an annual “step increase” of five percent, twice within each experience level and capped at the maximum rate for that level, as authorized by D.07-01-009.” Mr. Kelly is the Executive Director of UCAN, an organization that has been representing ratepayer interests before the Commission for the last 30 years. Mr. Kelly has over 25 years of attorney experience and given that his rate has been set at the low end of the 13+ years range for attorneys and given the quality of his work in this proceeding a 5% step increase is warranted.</p> <p>In addition to the step increase, Mr. Kelly is asking that any authorized COLA for 2015 rates be applied to his 2015 and 2016 hourly rate. Again pursuant to resolution ALJ 308 (that noted it is current Commission practice) Mr. Kelly would ask that any COLA increase for 2015 be applied to his rate for this pending claim for 2015 and 2016 hours</p>
3	<p>Rate request for David Croyle. UCAN is asking that David Croyle’s rate be increased from \$235 an hour that was given in D.15-12-040 to \$250 an hour. Mr. Croyle is an energy economist with 30 years of experience, and he is a retired former executive with SDG&E. Mr. Croyle also has extensive experience as an expert before the Commission. As noted in Mr. Croyle’s statement of qualifications on page 54 of his prepared direct testimony for this proceeding</p> <p>“In 2006, I retired from SDG&E and have been doing private consulting work for the Utility Consumers’ Action Network, UCAN. While at UCAN I authored testimony to UCAN’s presentation on SDG&E’s Solar Energy Plan (SEP) in 2008-2009, authored testimony for UCAN’s presentation on the last SEMPRA GRC decided in 2013, as well as consulted on recent cases involving costing issues on an SDG&E settlement and renegotiated PPA’s in 2013. Finally, in 2014, I authored testimony for UCAN in the Commission’s examination of residential rates in both phases of the RROIR in docket R.12-06-013 as well as SDG&E’s Rate Design Window application in A.14-01-027.”</p> <p>UCAN believes a rate increase to \$250 an hour is appropriate given the quality of his work, his familiarity with the program design, rate design and cost effectiveness issues examined in this proceeding and the depth of his experience at the Commission. Mr. Croyle is seeking both a 5% step increase as well as any approved COLA increases. UCAN is asking that the Commission consider that in 2010 Mr. Croyle was approved for a rate of \$225 an hour and in the last 5 years it has only increased by \$10 dollars an hour i.e., in 2014 his rate was readjusted by \$5 dollars to \$230 an hour, and in 2015 his rate was again increase by \$5 dollars to \$235 an hour.</p>
4	<p>Rate Justification for Jane Krikorian. UCAN is asking that the Commission set a rate for Ms. Krikorian at \$150 an hour. This is UCAN’s first request asking the Commission to set an hourly rate for Jane Krikorian, a law school graduate and a ratepayer advocate. This rate is slightly above the very bottom rate for experts with 0-6 years of experience. Ms. Krikorian graduated law school in 2010 and has been working with legal issues for the last 6 years. She has extensive legal research experience, and for the last 2 years she has been working at UCAN and has been participating in Commission proceedings under the direction of UCAN’s Executive Director, Don Kelly. Ms. Krikorian has researched complex legal issues for Mr. Kelly’s work before the Commission, presented ratepayer disputes to SDG&E, met with SDG&E officials on multiple occasions regarding pending Commission proceedings and ratepayer disputes. In addition, Ms. Krikorian supervises UCAN’s interns and volunteers. In this proceeding Ms. Krikorian participated in coordination meetings between UCAN, TURN and ORA as well as discussions with UCAN’s expert and also SDG&E officials. Ms. Krikorian’s resume is attached. Given both her ratepayer advocacy experience while at UCAN, her Law degree, legal research background, supervisorial duties at UCAN and her life experience, UCAN believes that a rate of \$150 is justified and we ask that this rate be approved.</p>

D. CPUC Disallowances and Adjustments:

Item	Reason
[1]	The Commission recently approved the 2016 cost-of-living adjustment (COLA) in Res. ALJ 329. The 1.28% rate adjustment has been applied to all applicable 2016 rates.
[2]	The Commission applied the 5% step-increase to Croyle's 2016 hours, which produces a rate of \$245. The application of the 2016 COLA adjusts this rate to \$250, which the Commission adopts.
[3]	The Commission requested on numerous occasions that UCAN submit a properly formatted MS Word claim to the Commission's intervenor compensation staff. UCAN did not respond to the requests. Staff spent 4 hours reformatting the claim, and such hours have been removed from UCAN's claim preparation request.
[4]	UCAN included fees associated with a flight change, which the Commission does not find to be a reasonable travel expense. The fee has been removed from UCAN's reimbursement.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No.
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes.

FINDINGS OF FACT

1. UCAN has made a substantial contribution to D.16-01-045.
2. The requested hourly rates for UCAN's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$210,769.49.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Utility Consumers' Action Network is awarded \$210,769.49.

2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company shall pay the total award to the Utility Consumers' Action Network. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning June 18, 2016, the 75th day after the filing of the Utility Consumers' Action Network request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. Application 14-04-014 is closed.
5. Rulemaking 13-11-007 remains open.
6. This decision is effective today.

Dated June 9, 2016, at San Francisco, California.

MICHAEL PICKER

President

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

CARLA J. PETERMAN

LIANE M. RANDOLPH

Commissioners

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D1606028	Modifies Decision?	No
Contribution Decision(s):	D14-12-079, D16-01-045		
Proceeding(s):	R1311007, A1404014		
Author:	ALJ Wong		
Payer(s):	San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Consumers' Action Network (UCAN)	4/4/16	\$205,202.04	\$210,769.49	N/A	See CPUC Disallowances and Adjustments, above.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Donald	Kelly	Attorney	UCAN	335.00	2014	335.00
Donald	Kelly	Attorney	UCAN	335.00	2015	335.00
Donald	Kelly	Attorney	UCAN	350.00	2016	355.00
David	Croyle	Expert	UCAN	235.00	2014	235.00
David	Croyle	Expert	UCAN	235.00	2015	235.00
David	Croyle	Expert	UCAN	250.00	2016	250.00
Jane	Krikorian	Expert	UCAN	150.00	2014	150.00
Jane	Krikorian	Expert	UCAN	150.00	2015	150.00

(END OF APPENDIX)